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- 4. Id. Fair Hearing before regulatory commission in rate case essential to due process. Ohio Bell Tel. Co. v. Comm'n, 292.
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- 2. International Compacts. Authority of President; participation by Senate. U. S. v. Belmont, 324.
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- 4. Ex Post Facto Laws. Washington statute making standard of punishment more onerous, void as applied to crime committed before enactment. Lindsey v. Washington, 397.
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- 7. Territories and Dependencies. Scope of legislative power of Congress in dealing with territories, possessions and dependencies. Cincinnati Soap Co. v. U. S., 308.
- 8. Relative State and Federal Powers. Unemployment Compensation Act of Alabama did not involve unconstitutional surrender of state power; enactment not coerced by federal Social Security Act. Carmichael v. Southern Coal Co., 495.
- 9. Federal Taxation. General Welfare. Validity of tax imposed upon employers by Title IX of Social Security Act to provide unemployment compensation. Steward Machine Co. v. Davis, 548.
- 10. Id. Validity of old-age benefits provisions of Social Security Act. Helvering v. Davis, 619.
- 11. Id. Spending by Congress in aid of the "general welfare." Id.
- 12. Federal Taxation. Purpose of Tax. Revenue Act of 1934, § 602½, imposing tax on first domestic processing of coconut oil, and appropriating to Philippine Treasury all such taxes collected with respect to coconut oil produced in Philippines, sustained. Cincinnati Soap Co. v. U. S., 308.
- 13. Id. Valid tax and valid appropriation of amounts realized may be bound together in same Act of Congress. Id.
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- 18. Id. Appropriation by Congress in recognition of moral obligation is matter of policy and discretion not open to judicial review. Id.
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- 20. Validity of National Labor Relations Act. National Labor Board v. Jones & Laughlin Corp., 1; and cases pp. 49, 58, 103, 142.
- 21. Validity of Social Security Act. Steward Machine Co. v. Davis, 548; Helvering v. Davis, 619.
- 22. Attacking Statute. One cannot complain of violation of constitutional rights of others. Bourjois v. Chapman, 183.

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- 1. Scope of Federal and State Regulation. State regulation of charges of tobacco warehouses; effect of federal Tobacco Inspection Act. Townsend v. Yeomans, 441.
- 2. Id. Power of Congress to protect interstate commerce from burdens and obstructions arising out of labor disputes in productive industry. National Labor Board v. Jones & Laughlin Corp., 1.
- 3. Id. National Labor Relations Act. Validity of Act and orders of Board. National Labor Board v. Jones & Laughlin Corp., 1; National Labor Board v. Fruehauf Trailer Co., 49; National Labor Board v. Friedman-Harry Marks Clothing Co., 58; Associated Press v. National Labor Board, 103; Washington, V. & M. Coach Co. v. National Labor Board, 142.
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- 7. State Inspection Fee. Will not be adjudged a direct burden on interstate commerce where not unreasonable on its face and when it is not known whether it will yield in excess of requirements of administration. Id.
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- 7. Taxation. Validity of tax imposed by Social Security Act; exemptions. Steward Co. v. Davis, 548; Helvering v. Davis, 619.
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- 2. Social Security Act did not require surrender by State of powers essential to quasi-sovereign existence. Steward Co. v. Davis, 548.
- 3. Id. Scheme of old-age benefits provisions did not contravene limitations of Tenth Amendment. Helvering v. Davis, 619.
- 4. Unemployment Compensation Act of Alabama, imposing levy on right to employ or to be employed, was valid exertion of taxing power of State. Carmichael v. Southern Coal Co., 495.

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- 1. Police Power. Chain Stores. State regulation and taxation for purpose of promoting fair competitive conditions and equalizing economic advantages. Great A. & P. Tea Co. v. Grosjean, 412.
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  - (B) Due Process Clause.
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- 3. Labor Legislation. Provisions of Wisconsin Labor Code which authorize giving publicity to labor disputes, declare peaceful picketing and patrolling lawful, and forbid granting of an injunction against such conduct, sustained. Senn v. Tile Layers Union, 468.
- 4. Regulation of Business. State may forbid particular types of business as inimical to public welfare, or regulate them so as to abate evils arising from their pursuit. Great A. & P. Tea Co. v. Grosjean, 412.
- 5. Id. State may regulate activities of stores in State belonging to national chain, though evils due partly to extra-state operations. Id.
- 6. Regulation of Business. Sales. Regulation of sale of fertilizer; requiring disclosure of secret formula. National Fertilizer Assn. v. Bradley, 178.
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- 10. Taxation. Unemployment Compensation Act of Alabama valid; unemployment relief as public purpose; extension and restriction of benefits. Carmichael v. Southern Coal Co., 495.
- 11. State Taxation of shares of stock of foreign banking corporations owned by one having commercial domicile in State. First Bank Corp. v. Minnesota, 234.
- 12. Taxation. Chain Stores. Louisiana statute graduating rate of tax on stores within State according to total number of units in chain, wherever located, valid. Great A. & P. Tea Co. v. Grosjean, 412.
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- 14. Notice and Hearing. Fair hearing essential to due process. Ohio Bell Tel. Co. v. Comm'n, 492.
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- 3. Regulation. Insurance Companies. Statute forbidding stock companies to act through agents who are their salaried employees, but permitting this to mutual companies, invalid. Hartford Co. v. Harrison, 459.
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- 4. Id. Refusal of Circuit Court of Appeals to extend time for filing bill of exceptions beyond that fixed by trial judge held not abuse of discretion. Id.
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- 2. Offenses. Prosecution. Criminal Code, § 137, prescribing maximum penalty of \$1000 fine and six months imprisonment for attempt to influence juror by written communication, may be prosecuted by information; proviso of § 335 does not prevent. Duke v. U. S., 492.

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- 2. Judicial Notice. Effect of court's taking judicial notice. Ohio Bell Tel. Co. v. Comm'n, 292.
- 3. Id. Judicial notice of facts that recognition of right of employees to self-organization and to have representatives of own choosing for purpose of collective bargaining is often an essential condition of industrial peace; and that refusal to confer and negotiate has been prolific cause of strife. National Labor Board v. Jones & Laughlin Corp., 1.
- 4. Id. Judicial notice may be taken of existence of depression with decline in market values; but cannot be taken of the values of land, labor, buildings and equipment, with their yearly fluctuations. Ohio Bell Tel. Co. v. Comm'n, 292.
- 5. Id. Judicial notice of recognition of foreign government and establishment of normal diplomatic relations. U. S. v. Belmont, 324.
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- 10. Id. Burden of proving statutory rates or charges confiscatory. Townsend v. Yeomans, 441.
- 11. Id. Burden of proof as to whether taxpayer shifted burden of processing tax. Anniston Mfg. Co. v. Davis, 337.

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- 1. Necessity. Misdemeanor not subject to infamous punishment may be prosecuted by information, though penalty may exceed \$500 fine and six months' imprisonment. Duke v. U. S., 492.
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- 3. International Compact. Effect of Soviet Government's expropriation of deposit of Russian corporation in New York bank and assignment to United States. Id.
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- III. Jurisdiction of Circuit Courts of Appeals, p. 798.
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- 1. Advisory Decrees. Complainant not entitled to advisory decree that state law must not be administered so as to burden or regulate interstate commerce. Great A. & P. Tea Co. v. Grosjean, 412.
- 2. Equity. Shareholder's Suit against corporation to restrain payments of tax and deductions from wages under Social Security Act. Helvering v. Davis, 619.
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- 4. Injunction. State Laws. Federal court will not enjoin enforcement of state law which has not been construed by enforcing officers nor by state supreme court, and which is susceptible of construction bringing it within police power of State. National Fertilizer Assn. v. Bradley, 178.
- 5. Suit for Refund of Tax. Making of special assessment of profits tax under §§ 327 and 328 of Revenue Act of 1918 precludes judicial review of amount of income tax determined. Welch v. Obispo Oil Co., 190.
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- 7. Appeals under Bankruptcy Act. Shulman v. Wilson-Sheridan Hotel Co., 172.
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- 9. Rules of Decision. Federal court not required to follow decisions of courts of State on questions of general law. Boseman v. Connecticut Ins. Co., 196.
- 10. What another country has done in the way of taking over property of its nationals, and especially of its corporations, is not a matter for judicial consideration here. U. S. v. Belmont, 324.

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- 2. Federal Question. Issues regarded by state court as properly raised in habeas corpus proceeding are open here. Herndon v. Lowry, 242.
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- 4. Non-Federal Ground adequate to support judgment. Grubb v. Lawman, 668.
- 5. Scope of Review. Claims not made in petition for certiorari not open for decision. Washington, V. & M. Co. v. National Labor Board, 142.
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- 7. Findings of National Labor Relations Board will not be reversed or modified unless clearly improper or unsupported by substantial evidence. Washington, V. & M. Co. v. National Labor Board, 412.
- 8. Criminal Appeals Act. Review of action of Circuit Court of Appeals under. Ray v. U. S., 158.

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- 1. Injunction to restrain enforcement of state law. National Fertilizer Assn. v. Bradley, 178.
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- 1. Prosecution of attempt to influence juror by written communication. Duke v. U.S., 492.
- 2. Right to Jury Trial not infringed by National Labor Relations Act. Labor Board v. Jones & Laughlin Corp., 1; Associated Press v. Labor Board, 103.
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- 1. Collective Bargaining. Right of employees to organize and to select representatives for collective bargaining; power of legislature to protect right against discrimination or coercion by employer. National Labor Board v. Jones & Laughlin Corp., 1.
- 2. Construction of Wisconsin statute authorizing picketing and publicity in labor disputes. Senn v. Tile Layers Union, 468.

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See National Labor Board v. Jones & Laughlin Corp., 1; and cases on pp. 49, 58, 103, 142.

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See National Labor Board v. Jones & Laughlin Corp., 1; and cases on pp. 49, 58, 103, 142; also Senn v. Tile Layers Union, 468.

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- 1. Validity and construction of statute requiring registration of cosmetic preparations sold or used in State. *Bourjois* v. *Chapman*, 183.
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- 1. Validity and construction. National Labor Board v. Jones & Laughlin Corp., 1; National Labor Board v. Fruehauf Trailer Co., 49; National Labor Board v. Friedman-Harry Marks Clothing Co., 58; Associated Press v. National Labor Board, 103; Washington, V. & M. Co. v. National Labor Board, 142.
- 2. Orders of Board in excess of jurisdiction subject to challenge by any party aggrieved. Washington, V. & M. Co. v. National Labor Board, 142.

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- 2. Anticipation. Smith Patent No. 1,262,860 for method of hatching eggs, invalid because anticipated by prior use of patented invention by Hastings. Smith v. Hall, 216.
- 3. Id. Determining anticipation of patented method; party who sought and obtained broad construction of claim can not later narrow it to avoid anticipation; commercial success not necessary element of prior use anticipating and invalidating patent. Id.
- 4. Suit for Infringement. Defenses. Pleading; sufficiency of "short" bill; burden of proof of want of novelty. Mumm v. Decker & Sons, 168.

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- 2. Validity of presumptions established by § 907 of Revenue Act of 1936, relative to right to refund of taxes collected under invalid Agricultural Adjustment Act. Anniston Mfg. Co. v. Davis, 337.

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- 2. Equity Rules. Sufficiency of "short" bill of complaint in suit for patent infringement. Mumm v. Decker & Sons, 168.
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- 2. Alabama Unemployment Compensation Act sustained. Carmichael v. Southern Coal Co., 495.

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- 1. Generally. Legislature is presumed to know the needs of the people of its State. Townsend v. Yeomans, 441.
- 2. Validity. Question as to wisdom of legislation is not for the courts. Helvering v. Davis, 619.
- 3. Id. Legislation need not embrace all the evils within reach of legislature. National Labor Board v. Jones & Laughlin Corp., 1.
- 4. Id. Validity of provisions which, considered by themselves, are constitutional, not affected by general and ambiguous declarations in same statute. Id.
- 5. Id. Vagueness. Georgia Penal Code, § 56, invalid as not furnishing a sufficiently ascertainable standard of guilt. Herndon v. Lowry. 242.
- 6. Id. Section 902 of Revenue Act of 1936 not invalid as too vague. Anniston Mfg. Co. v. Davis, 337.
- 7. Construction. Avoiding doubts of constitutionality. Anniston Mfg. Co. v. Davis, 337; Chippewa Indians v. U. S., 358.
- 8. Id. Construction which conforms statute to Constitution preferred to another which would render it unconstitutional or of doubtful validity. National Labor Board v. Jones & Laughlin Corp., 1: Anniston Mfg. Co. v. Davis, 337.

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- 9. Id. Affirmance of conviction by supreme court of State as supported by evidence, necessarily construes statute as authorizing punishment for act proven. Herndon v. Lowry, 242.
- 10. Separability. Provision of Alabama Unemployment Compensation Act taxing employees was separable and not subject to objection by employers. Carmichael v. Southern Coal Co., 495.
- 11. Id. Title III of Social Security Act separable from Title IX. Steward Co. v. Davis, 548.
- 12. Particular Words. "Pursuant to" defined. Old Colony Co. v. Comm'r, 379.
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- II. Federal Taxation, p. 804.
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## I. In General.

- 1. Construction of federal income tax Acts. Thomas v. Perkins, 655.
- 2. Policies of Congress. Encouraging charitable contributions. Old Colony Co. v. Comm'r, 379.

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- 1. Validity of tax imposed by Social Security Act; exemptions. Steward Co. v. Davis, 548; Helvering v. Davis, 619.
- 2. Income Tax. Amounts received by assignors under oil lease; to whom taxable. Thomas v. Perkins, 655.
- 3. Income Tax. Corporation. Trust as "association" taxable as corporation. A. A. Lewis & Co. v. Comm'r, 385.

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- 4. Income Tax. Computation. Deductions. Charitable Contributions. Donations to charities under trust deed authorizing, though not requiring, them held made "pursuant to" deed and deductible under § 162 of 1928 Act. Old Colony Co. v. Comm'r. 379.
- 5. Id. Allowance of deduction not dependent on affirmative showing that donations were actually paid out of income received during year in which they were made. Id.
- 6. Profits Tax. Special Assessment. Making of special assessment under §§ 327 and 328 of 1918 Act precluded judicial review of income tax determined. Welch v. Obispo Oil Co., 190.
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- 8. Actions for Refunds. Recovery back of "processing" and "floor stock" taxes collected under invalid Agricultural Adjustment Act. Anniston Mfg. Co. v. Davis, 337.
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- 4. Chain Stores. Louisiana statute graduating rate of tax according to total number of units in chain, wherever located, valid. Great A. & P. Tea Co. v. Grosjean, 412.

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